

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

EDDIE JEROME PILLOW,

Plaintiff,

v.

DAVID RUSS,

Defendants.

No. 1:06cv00041

Judges Haynes/Knowles

**DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER ON PLAINTIFF'S
MOTION FOR NEW TRIAL**

Defendant, David Russ, ("Russ"), by and through his undersigned counsel, hereby files this motion for reconsideration of this Court's order of January 21, 2010 (Docket Entry Rec. No. 106), granting Plaintiffs previously filed motion for new trial. In support of this motion, and as grounds, Defendant's counsel would show as follows:

This action was tried to a jury which rendered a Defendant's verdict on September 16, 2009. This Court entered an order dismissing this action with prejudice on September 17, 2009 (DER 96). On September 19, 2009, Plaintiff filed a motion for a new trial (DER 98). In that motion, Plaintiff argued that the evidence presented at trial preponderated in favor of the Plaintiff and against the jury's verdict. Plaintiff also asserted that an innuendo which Defendant attempted to create at trial regarding the area in which the stop at issue took place somehow affected the jury's verdict.

Subsequent to the filing of Plaintiff's motion for new trial, Defendant's counsel reviewed the motion and began to consider the merits of Plaintiff's position. On September 24, 2009, Defendant's counsel communicated by e-mail with Plaintiff's counsel about the probable need to review and consider the trial transcript as part of the consideration to put into responding to Plaintiff's motion for new trial. Counsel exchanged those e-mails in the early afternoon of